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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Asger Gramkow

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7590

11/27/2007

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EXAMINER

LIU, JONATHAN

ART UNIT

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3673

MAIL DATE

DELIVERY MODE

11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,954	Applicant(s) GRAMKOW, ASGER	
	Examiner Jonathan J. Liu	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 29-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to remarks filed 11/13/2007

Response to Arguments

1. Applicant's arguments filed 11/13/2007 have been fully considered but they are not persuasive.

With regards to applicant's arguments that the references (e.g. Botha, Ullven, Fuller, or Takaura) do not teach "at least four rollers which are configured for positioning in close proximity sides of the person's body" – such is not the case, as with all the aforementioned references, there are rollers that are indeed in *close proximity* to the sides of a person.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art [citations omitted]. In this case, the knowledge is available to one of ordinary skill in the art, as all the aforementioned references pertain to the same field of endeavor, i.e. patient handling devices. Accordingly, the suggestions to combine are within an ordinary level of skill in the art. Furthermore, the motivation for a skilled artisan to modify or combine the references were stated previous rejection, as well as in the following rejection below.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 16-19, 21, 23-24, 26, 29-33, 36, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Botha et al. (GB 1,376,084). Regarding claim 16, Botha et al. disclose a handling system comprising support means; handling means (e.g. 30, 30.1, 44, 44.1), wherein said support means includes at least two support sheets (22) in contact with different areas of the person's body during handling; said support means further comprises at least four rollers (20) for winding said at least two support sheets from opposite sides of the sheet, said at least four rollers being configured for positioning in close proximity to sides of the person's body, and said support means being connected to said handling means through said rollers; wherein said support means establishes a handling structure around the person allowing the person to be lifted or moved by activating said handling means.

With regards to claim 17, said at least two support sheets include an upper support sheet (22) and a lower support sheet (22), positioned under the upper and/or lower part of the person's body, respectively.

In regards to claim 18, said support means further comprises a lifting frame (12, 14, 28) or a first frame section connected to said upper support sheet through said at least two rollers and/or a support frame (12, 14, 28) or a second frame section connected to the lower support sheet through said at least two rollers.

With regards to claim 19, said lifting and support frame each includes a first and second frame part connected by at least one flexible intersection (page 2, lines 47-49).

Regarding claim 21, said upper and lower support sheets include at least one flexible connection configured to connect opposite edges of the sheets (page 2, lines 48-49).

With regards to claim 23, said handling means comprises drive means (30, 30.1, 44, 44.1), connected to said one or more frame sections through lifting lines and a lift yoke (see figure 5).

In regards to claim 24, said position is in a bed and includes said at least two support sheets and at least two holding devices (16) for said at least four rollers or said at least two sheets.

With regards to claim 26, at least two holding devices (32) are fixed on the sides of the bed.

Regarding claim 29, said at least two support sheets include a number of different types of lower support sheets comprising at least one of wider sheets for lifting

and rotating a person, normal sheets for lifting the person, and smaller sheets for lifting the person to the bath room, and a number of different types of upper support sheets (see figure 1).

With regards to claim 30, said at least two support sheets include a number of different types of upper and lower support sheets with different lengths for lifting a person and for rotating a person (see figure 1).

In regards to claim 31, said upper and lower support sheets comprise connection sections at the longitudinal sheet edges (page 2, lines 48-49).

Regarding claim 32, said at least four rollers *inherently* comprise connection sections on the roller surfaces.

With regards to claim 33, said connection sections of said upper and lower support sheets and at least four rollers establish connections between said upper and lower support sheets and said at least four rollers (see figure 1).

In regards to claim 36, said lifting frame or said first frame section comprises triangular or similarly shaped frame parts with ends connected to two of said at least four rollers (members 14 are similarly shaped and connected to said rollers).

Regarding claim 40, said support means comprises adjustment means to adapt the size of the support means to a body of the person in an area of the support sheets by changing a width of the frames (figure 3 shows multiple notches, 16, on member 14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 6, 8-15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Botha et al. (GB 1,376,084). With regards to claim 1, the method of handling a person comprising the steps of: winding said at least two support sheets (22) on at least four rollers (20) such that said at least four rollers are positioned in proximity to sides of the person's body; connecting said at least four rollers to handling means (e.g. 14); and handling the person by performing a lifting or moving of said support means via said handling means (page 3, lines 8-19), are all obvious steps in view of the invention to Botha et al, as such steps are necessarily performed.

With regards to claim 6, said at least four rollers are movable by handles (64, 64.1) or motor means.

Regarding claim 8, said one or more support sheets, in a non-use situation, are suspended and stretched out on the mattress of a bed (page 2, lines 49-52).

With regards to claim 9, said sheets are suspended by releasable straps or by said at least four rollers connected to holding means (32), said straps or said holding means being fixed to the sides of a bed (see figure 1).

In regards to claim 10, said at least two support sheets include an upper support sheet and a lower support sheet that are positioned under the upper and/or lower part of the person's body, respectively (page 2, lines 57-60).

With regards to claim 11, the invention to Botha et al. is clearly capable of performing handling with only said upper support sheet and a corresponding frame.

Regarding claim 12, said handing movement is transferred to said at least two support sheets resulting in a movement of the person from a laying position to a position supported by said support sheets or vice versa (page 3, lines 8-20).

With regards to claim 13, said support means are adapted to a size of the body in an area of the support sheets (notches 16 of members 14 allow adaptability to body sizes).

Regarding claim 14, a substantially equal distance between said at least two support sheets is controlled and/or upheld (by means of member 14).

In regards to claim 15, the invention to Botha et al. is clearly capable of the limitation wherein said at least two support sheets are moved sideways underneath the person by dragging at one edge of each sheet and releasing at the other edge of the sheet. This step would have been an obvious step in handling a person in order to position/center the sheets underneath the patient.

With regards to claim 25, the invention to Botha et al. is clearly capable of positioning said person in a sitting position (by use of only the upper support sheet).

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullven (US 4,194,253). In regards to claim 1, the method of handling a person with a handling system including support means (e.g. 17) with a support sheet (17) initially positioned under the person, said method comprising: winding said support sheet on rollers (see figure 3) such that said at least four rollers are positioned in proximity to sides of the person's body, connecting said rollers to a handling means (e.g. 9), and handling the person by performing a lifting or moving of said support means via said

handling means, are all obvious steps in view of the invention to Ullven, as such steps are necessarily performed.. Regarding the limitations of at least two support sheets, and at least four rollers, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include two sheets (as opposed to the one disclosed), and four rollers (as opposed to the two disclosed), since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art [citations omitted].

With regards to claim 2, said connecting includes a locking or fixing process of said at least four rollers to one or more frames (at 11) and connecting (at 19) said handling means to one or more of said frames (2).

Regarding claim 3, the handling of said one or more frames being performed by a drive means (col. 1, lines 41-44) connected to said one or more frames via lifting lines (3) and a lift yoke (10).

In regards to claim 4, the handling is performed with rear (6) and front (3) lifting lines connected to a yoke (10) and extremity points of said one or more frames.

With regards to claim 5, said handling is performed via a vertical up or down movement or a horizontal movement of said lift yoke by said handling means.

8. Claims 1, 6-7, 16, 18, 20, 22, 34-35, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller (US 5,544,371) in view of Takaura (US 6,295,666). Regarding claim 1, the method of handling a person with a handling system including support means with a support sheet initially positioned under the person, said method comprising: winding said support sheet on at least four rollers (39) such that

said at least four rollers are positioned in proximity to sides of the person's body, connecting said at least four rollers to handling means (120), and handling the person by performing a lifting or moving of said support means via said handling means, are all obvious steps in view of the invention to Fuller, as such steps are necessarily performed. However, Fuller does not teach at least two support sheets. Takaura teaches a patient handling system comprising two support sheets (10, 20). Fuller and Takaura are analogous because they are from the same field of endeavor, i.e. patient handling systems. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention to Fuller comprise at least two support sheets. The motivation would have been to allow various positions for the patient (i.e. the lower body may be raised with respect to the upper body or vice versa, the upper body portion may be raised with respect to the lower body of the patient). Therefore, it would have been obvious to include at least two support sheets with the invention to Fuller.

With regards to claim 6, said at least four rollers being pivotally movable by handles or motor means (50).

In regards to claim 7, said pivotal movement is only possible in one direction during the winding of said at least two support sheets on said at least four rollers (by means of member 45).

Regarding claim 16, Fuller teaches a handling system comprising support means (e.g. 11, 39), and handling means (e.g. 34), wherein said support means includes a support sheet (11) in contact with different areas of the person's body during handling,

said support means further comprises at least four rollers (39) for winding said support sheet from opposite sides of the sheet, said at least four rollers being configured for positioning in close proximity to sides of the person's body, and said support means being connected to said handling means through said rollers, wherein said support means establishes a handling structure around the person allowing the person to be lifted or moved by activating said handling means (see figures 3-4). However, Fuller does not teach at least two support sheets. Takaura teaches a patient handling system comprising two support sheets (10, 20). Fuller and Takaura are analogous because they are from the same field of endeavor, i.e. patient handling systems. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention to Fuller comprise at least two support sheets. The motivation would have been to allow various positions for the patient (i.e. the lower body may be raised with respect to the upper body or vice versa, the upper body portion may be raised with respect to the lower body of the patient). Therefore, it would have been obvious to include at least two support sheets with the invention to Fuller.

In regards to claim 18, said support means further comprises a lifting frame or a first frame section (Fuller: left side of frame) connected to said upper support sheet through said at least two rollers and/or a support frame or a second frame section (Fuller: right side of frame) connected to the lower support sheet through said at least two rollers.

With regards to claim 20, said lifting and support frames are connected by one or more straps (Fuller: 35) from said lifting frame to each of said first and second frame part.

In regards to claim 22, said first and second frame sections include at least one connection (26), allowing said frame sections to perform rotating movement in relation to each other.

Regarding claim 34, said at least four rollers are connected to handles (Fuller: 50) through gear means with toothed wheels allowing a transmission (see figure 7 of Fuller).

With regards to claim 35, it would have been obvious to have said gear means include at least one spring operated locking pin and at least one ratchet wheel allowing pivotal movement in only one direction during a winding of said at least two support sheets on said at least four rollers, as such locking mechanisms are well known within the art.

In regards to claim 37, two of said at least four rollers are connected between ends at a pivot hinge (Fuller: 30) and at a boom (Fuller: 13) as a frame part.

Regarding claim 38, said rollers are connected through poles (Fuller: 44) fixed to said frame parts, said rollers rotating on said poles with bearing means (Fuller: 43).

With regards to claim 39, the support means comprises rear and front lifting lines (Fuller: 35) connected to a yoke (Fuller: 119) and extremity points of said one or more frame sections.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

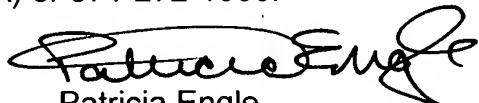
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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